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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,737	11/26/2003	Hee Seok Roh	K-0583	3954
34610 7590 FLESHNER & KIM, LLP P.O. BOX 221200 CHANTILLY, VA 20153			EXAMINER PATEL, RITA RAMESH	
			ART UNIT 1746	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/09/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/721,737	ROH, HEE SEOK	
	Examiner	Art Unit	
	Rita R. Patel	1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 November 2006.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-20 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Applicant's Arguments / Amendments

This Office Action is responsive to the amendment filed on 11/9/06. Claims 1-20 are pending. Claims 17-20 are new. Claims 1-15 have been amended. Applicant's arguments have been considered, but are not persuasive. However, upon further consideration, the instant claims are rejected under new grounds of rejections and thus claims 1-20 are finally rejected for the reasons of record.

Re Remarks filed by applicant on 11/9/06, specifically on page 1, paragraph 2, applicant states claim 3 is cancelled, however, in the claims submitted (11/9/06) claim 3 is in the claim set. Therefore, for the purpose of examination the Office finds that claim 3 is not cancelled, but rather claim 3 is pending.

Re applicant's arguments against prior art Tuller (Us Patent No. 5,662,744), the current claims are no longer being rejected over Tuller. A new grounds of rejection is provided herein, thus applicant's arguments are moot.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by J. F. Clearman herein referred to as "Clearman" (3,180,348).

Clearman teaches an article washing apparatus specifically embodied in an automatic dishwashing machine (col. 1, lines 8-10). The invention of Clearman includes a upper spray arm 52 configured to spray at an upper basket 20 and a lower basket 21 (col. 3, lines 37-50). A recirculating pump 12 draws liquid from the sump 11 for supplying the spray nozzles with liquid; venturi 44 is a fixed central piece in the machine for communication with pump 12. Lower spray arm 36 reads on applicant's claims for a second nozzle proximate a second rack (col. 3, lines 70-75; col. 4, lines 1-18).

Re applicant's claim for a washing fluid sprayed in a "first mode" and "second mode", the Office is interpreting said modes to be equivalent to an "OFF" and "ON" spraying position. Thus when the nozzle assembly of Clearman changes from a first mode (OFF) to a second mode (ON) this is accomplished by rotating the first and second nozzle sections.

Clearman discloses an apparatus for washing dishes with control of washing of washing liquid flow to upper and lower baskets by indicating specific wash cycles, namely washing and rinsing cycles. Thus with said dishwasher, in some stages of the operative washing cycle the spray devices can receive water/soap at variable and differentiated flow rates, or some devices can be completely closed off; thus reading on applicant's claims for selectively spraying washing fluid.

Clearman evidently specifies manual rotation of the upper spray arm 52: because of the eccentric construction of the bearing 54 as well as the adapter rings 55 (O-ring) it

Art Unit: 1746

is easy to position the receiving means 38 relative to the nozzle structure 28 so that the jet 39 will be centered with respect to the venturi entrance 47. Because of the provision of the adapter rings 55 and removable spring clips 61 it is very easy to remove the tubular receiving means 38 and attached spray arm 52 when desired (col. 3, lines 61-69). As seen in Figure 2, the central piece has lateral stepped portions configured to receive the pair of rings 55. Moreover, one of ordinary skill at the time of the invention would at once envisage said rings to be composed of a rubber based material; rubber-based adapter rings are commonly used and known in the art to be resilient, effective, long-lasting, minimize leakage of liquid, and are readily inexpensive components.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rabuffetti (US Patent No. 4,094,702) teaches an apparatus for washing dishes allowing independent control of washing liquid flow to upper and lower baskets by valve means, allowing selective reduction of liquid flow to an upper washing arm and/or by-passing liquid so that it does not flow through the washing arm nozzles (abstract).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 1746

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rita R. Patel whose telephone number is (571) 272-8701. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1746

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Rita R. Patel



MICHAEL BARR
SUPERVISORY PATENT EXAMINER